

Water Division

COLLABORATION

STREAMLINING THE WATER TRIBAL ASSESSMENT REPORTS FOR REPORTING

As a follow-up to the March 2016 RTOC Meeting hosted in Dallas, Texas, EPA Region 6, in partnership with RTOC members worked to streamline the Final Tribal Assessment Reports required by the grant. EPA, in partnership with the RTOC member tribes, devised a draft example streamlined assessment report example and compendium to help with the development of the final reports. Region 6 provided RTOC members an opportunity to comment on the draft report and compendium. Region 6 hosted a conference call on October 19, 2016, to further refine the documents before finalizing. Based on the feedback provided, Region 6 finalized the document on October 25, 2016. Region 6 would like to thank the RTOC members for helping to streamline the report. In addition, Region 6 would like to thank Micco Emarthla for his drive and determination to move us toward streamlining the reporting requirements **Samuel Reynolds 214-665-6682; Alex Nunez, 214-665-7126; TeAndra Taylor 214-665-8346, Kara Alexander 214-665-7312, Nikole Witt 214-665-2781, Laura Hunt, 214-665-9729; Lindsey Griffin, 214-665-2797; Rob Cook, 214-665-7141; Mike Schaub, 214-665-7314; Laura Shumway 202-566-2514, Micco Emarthla (Seneca-Cayuga Nation)**

TRIBAL TRAINING

E-ENTERPRISE PROJECT: EPA / TRIBAL WATER QUALITY DATA ASSESSMENT TOOL PILOT PROJECT

As a follow-up to the March 2016 RTOC Meeting hosted in Dallas, Texas, EPA Region 6, in partnership with EPA Headquarters and 20 tribes nationally (11 Region 6) are piloting the development of the Water Quality Assessment Tool (ATTAINS). The ATTAINS tool will allow tribes to report national data on the status of water quality on tribal lands. The ATTAINS Pilot workgroup has met several times over the past few months and will have a Kick-Off Training on December 1-2, 2016, at the Fall RTOC. The goal of this training is to train tribal staff on the ATTAINS. The second part of this training will be in March 2017, when EPA and Tribal staff will get hands on experience building an ATTAINS report for their respective tribal program. **Samuel Reynolds 214-665-6682; Alex Nunez, 214-665-7126; Laura Hunt, 214-665-9729; Lindsey Griffin, 214-665-2797; Rob Cook, 214-665-7141; Mike Schaub, 214-665-7314; Laura Shumway 202-566-2514**

SECOND ANNUAL SURFACE WATER QUALITY MONITORING AND ASSESSMENT WORKSHOP FOR TRIBES COMPLETED

EPA Region 6 staff provided training to 28 individuals from 15 tribes interested in the basic principles of surface water quality monitoring and data assessment September 27-29, 2016 at the Pueblo of Sandia. This forum provided a great opportunity to review and discuss the principles of monitoring design, essential elements of QAPPs, data assessment methods, tribal assessment reports, and data management. A number of field demonstrations were also provided including data sonde calibration and use, water quality grab/composite sampling techniques, flow measurement, sediment sampling, benthic macroinvertebrate collection techniques, and habitat assessment. Regional staff enjoyed getting to know and interacting with those tribal staff in attendance and look forward to future opportunities to provide similar training to other tribes in

Region 6. Region 6 greatly appreciates the efforts of Scott Bulgrin, Tim Smith and Loren Arkie of the Pueblo of Sandia Environment Department for their assistance in securing space for the workshop, identifying stream sites for sampling demonstrations, providing field demonstrations of various stream sampling techniques used at Sandia, and general logistical support throughout the workshop. **Mike Schaub, 214-665-7314; Laura Hunt, 214-665-9729; Lindsey Griffin, 214-665-2797; Rob Cook, 214-665-7141; Alex Nunez, 214-665-7126**

NPDES PERMITS

STATUS OF NPDES PERMITS

During fiscal year 2017, EPA Region 6 will or may be working on several NPDES permits in New Mexico and Louisiana located on or in proximity upstream to potentially affected Tribes: New Mexico: Roca Honda Resources Uranium Mine; Los Alamos County WWTP, Chama WWTP, Espanola WWTP; Albuquerque-Bernalillo Co. WUA WWTP, and Taos WWTP; Louisiana: Chitimacha WWTP and Choctaw Pines Casino WWTP. General Permits already proposed or in the works include: Pesticides General Permit, Storm Water Associated with Construction Activities General Permit (CGP); Hydrostatic Test Temporary Discharge General Permit (OK & TX) and a general permit for Municipal Separate Storm Sewer Systems (MS4) in New Mexico (primarily for those in the Santa Fe, Las Cruces, El Paso, Los Lunas, and Farmington areas). Affected tribes will receive copies of the draft permits at the time of proposal for review during the public comment period or CWA Section 401 certification as appropriate. Tribal consultation will be available to the affected tribes. **Brent Larsen, 214-665-7523**

LOS ALAMOS COUNTY MUNICIPAL SEPARATE STORM SEWER (MS4) DESIGNATION PETITION

EPA proposed to designate portions of Los Alamos County as a municipal separate storm sewer system (MS4), which establishes requirements to reduce pollution carried by storm water run-off and will help restore waters in the area that are too polluted. The proposed designation is in response to a petition filed by Amigos Bravos for a determination that storm water discharges in Los Alamos County are contributing to violations of water quality standards in certain impaired waters and therefore, require a discharge permit and designation as an MS4. After review of the petition, information provided by LANL and Los Alamos County, and the state's water quality assessment, EPA made a preliminary determination that stormwater discharges on Los Alamos National Lab (LANL) property and urban portions of Los Alamos County result in exceedances of state water quality standards. The proposal was published in the Federal Register on March 17, 2015. A final decision is expected late 2016, and if decision is to designate, development of a permit(s) would follow. **Nasim Jahan 214-665-7522**

LOS ALAMOS NATIONAL LABORATORY (LANL) NPDES PERMIT

EPA Region 6 proposed reissuance of the NPDES permit for stormwater discharges from Los Alamos National Laboratory in Los Alamos, New Mexico in March 2015 and the extended public comment period ended June 25, 2015. The individual storm water permit regulates storm water runoff from about 400 Solid Waste Management Units (SWMUs) and Areas of Concern. LANL has installed over 1000 BMPs to eliminate or mitigate runoff from those sites. The current permit has been administratively continued. EPA has been working with stakeholders including permittees, environmental/citizens groups and New Mexico Environment Department over the

last year in the development of permit conditions. EPA held a public meeting prior on the proposal in Los Alamos on May 6, 2015. Final action on the permit is expected late 2016. *Isaac Chen 214-665-7364*

UNDERGROUND INJECTION CONTROL

INDUCED SEISMICITY

Over the last several years, there have been abrupt increases in earthquakes in some oil and gas production areas. These areas include Arkansas, Kansas, Oklahoma, and Texas, as well as other oil and gas producing states. Seismic activity has significantly diminished in Arkansas, Kansas and, in 2016, Texas. However, injection induced seismicity remains an ongoing concern in Oklahoma, particularly with the increasing trend in the magnitude of individual events. Since February of 2015, EPA Region 6 has been providing focused technical support to the Oklahoma Corporation Commission (OCC) in its efforts to address potential induced seismicity. The Region also ramped up its level of concern over the level of seismicity in Oklahoma and North Texas through its 2015 annual evaluations of the UIC programs for OCC and the Railroad Commission of Texas. In an effort to stem the increasing earthquake trends, OCC has periodically increased its level of response, culminating in a broad injection volume restriction area for disposal wells after several damaging Magnitude 4 events early this year. Despite these efforts, alarming levels of seismicity continue. Three recent notable events, beginning on September 3, have further raised the level of concern. Two of these (Pawnee events, M5.8 on September 3, and M4.3 on November 1) impacted Osage County, prompting direct involvement of EPA through its UIC program in Osage County. The Region, in close cooperation with OCC, Osage Nation representatives, USGS, and BIA, responded quickly to these events to shut in and/or reduce/cap injection volumes in disposal wells in the general vicinity. On November 6, a M5.0 struck near Cushing causing substantial damage to the city of Cushing. OCC responded quickly with additional wells shut in and/or reduced/capped injection volumes and indicated a broader response is forthcoming. Because of the increasing magnitude trend in Oklahoma, EPA believes additional levels of response from the state are needed. *Philip Dellinger, 214-665-8324*

DRINKING WATER

REVISED TOTAL COLIFORM RULE AND LEAD AND COPPER RULE

Since April 1, 2016, the Revised Total Coliform Rule (RTCR) became effective for all public water systems. The RTCR replaces the old Total Coliform Rule (TCR) where some of the requirements remain the same (such as frequency and number of routine sampling) and some are new (such as level 1 and 2 assessments). From 2015 to 2016, Region 6 and its Technical Assistance Providers delivered RTCR and other regulatory training (such as the Lead and Copper Rule) to tribes and provided technical assistance over the phone, by email and on-site to help prepare tribes for the new rule and refresh tribes on older rules. To date, all tribal water systems under Region 6 have completed their RTCR Sampling Plans, a 100% completion rate, and all tribal water systems are monitoring under RTCR accordingly. Regarding the Lead and Copper Rule, Region 6 shared the February 2016 Sampling Method Clarification Protocol with tribes and encouraged the tribes to take additional (special) samples when their routine lead sample results approach half (7.5 ppb) of the action level (15 ppb). The purpose of this is to encourage tribes to be proactive in investigating what is occurring well before an action level

exceedance. Currently, no tribal water systems under Region 6 have an Action Level Exceedance (ALE) for lead or copper and an overwhelming majority of tribes have No Detects for lead and copper. Finally, with the assistance of Region 6 and its Houston Lab, all tribal water systems have completed their required 2016 lead and copper sampling, a 100% completion rate in 2016. Region 6 appreciates the collaboration and cooperation of tribes on the implementation of these two rules, which have been at the forefront of Drinking Water discussions during 2016.

Meaghan Bresnahan, 214-665-8354, Jatin Mistry, 214-665-7483, John Baker, 214-665-7542, Kim Ngo, 214-665-7158

SANITARY SURVEYS AND OVERSIGHT

On the Sanitary Survey front, Region 6 and its technical assistance providers continue to conduct surveys every three years under the Groundwater Rule (GWR) and Surface Water Treatment Rules (SWTRs). In the summer of 2016, Region 6 developed a more efficient method and database for tracking, organizing, and updating significant deficiencies; this facilitated our ability to reach out to tribes and provide reminders and technical assistance (on the phone or on site) on correcting significant deficiencies at the water systems. Region 6 appreciates the photos and documentation that have been submitted to date to clear the deficiencies. This effort is helping prevent potential ‘failure to correct deficiencies’ violations under the GWR and SWTRs. All of these activities, including the trainings that Region 6 provided, are part of Region 6’s increased oversight of states and tribal drinking water systems to ensure compliance under the Safe Drinking Water Act. ***Meaghan Bresnahan, 214-665-8354, Miguel Moreno, 915-533-7273, Jose Lugo-Figueroa, 214-665, John Baker, 214-665-7542, Kim Ngo, 214-665-7158***

REVIEW OF INFRASTRUCTURE PLANS

If a tribe is considering having new infrastructure built or added to current infrastructure, such as a well or a treatment system, we strongly encourage the tribe and/or IHS to send their engineering design plans to EPA Region 6 for review. We review these plans to make sure the new infrastructure will be in line with our regulations so that the system does not receive significant deficiencies during subsequent sanitary surveys. The point of contact for plan reviews is Jose Lugo-Figueroa, who can be reached at lugo-figueroa.jose@epa.gov or 214-665-6476; please send Jose design plans in advance of building new infrastructure and we will work with the tribe to help make sure their new infrastructure still produces SDWA-compliant water.

Kim Ngo, 214-665-7158, Meaghan Bresnahan, 214-665-8354,

TRIBAL FUNDING

STATE REVOLVING FUNDS TRIBAL SET-ASIDES

The Clean Water Indian Set Aside (CWISA) and the Drinking Water Tribal Set Aside (DWTSA) have completed the FY 2016 award process. The Region’s 2016 CWISA program awarded \$2,079,700. Two projects that were selected for Oklahoma’s IHS office; Muscogee (Creek) Nation (\$494,200) and the Apache Tribes (\$36,500). Five projects that were selected for Albuquerque’s IHS office; Pueblo of Santa Clara (\$720,000), Pueblo of Isleta (\$400,000), Pueblo de Cochiti (\$239,000), Pueblo of Laguna (\$144,000), and Jicarilla Apache Nation (\$46,000).

The Region's 2016 DWTSA program awarded \$1,777,000. Two projects that were selected for Oklahoma's IHS office and the Cherokee Nation (Kenwood) (\$202,000 and \$324,000). Ten projects that were selected for Albuquerque's IHS office; Pueblo of Zia (\$523,000), Pueblo of Isleta (\$300,000), Pueblo of Santa Ana (\$108,000), Pueblo of Taos (\$15,000), Pueblo of Pojoaque (\$81,000), Pueblo of Santa Clara (\$33,000), Pueblo of Nambe (\$107,000), Pueblo of Picuris (\$29,000 and \$26,000) and Pueblo of Jicarilla Apache Nation (\$29,000). EPA R6 worked with two Indian Health Service offices; Albuquerque and Oklahoma City. Final awards to the successful Tribal recipients of the projects selected and the associated CWISA and/or DWTSA was funded by September 2016.

Maurice Rawls, 214-665-8049, Dena Hurst, 214-665-7283, Sal Gandara, 214-665-3194, Anisa Pjetrovic, 214-665-6446

TRIBAL MULTIPURPOSE GRANTS FOR TRIBES WITH TREATMENT AS A STATE FOR WATER QUALITY STANDARDS

EPA awarded a total of \$226,415,000 in Fiscal Year (FY) 2016 in multipurpose funding to eligible tribes with approval treatment as a state for water quality standards. Projects are managed by the Assistance Programs Branch of the Water Division.

Curry Jones, 214-665-6793

WETLAND PROGRAM DEVELOPMENT GRANTS

The 104(b)(3) Wetland Program Development Grants are competitive grants that are part of the EPA Enhancing State and Tribal Programs effort. Funds from these grants can be used to develop and implement a Wetlands Program Plan (WPP). The Core Elements Framework (CEF) outlines the 4 core elements a WPP may include, which are: Monitoring and Assessment, Regulatory Activities including 401 Certification, Voluntary Restoration and Protection, and Water Quality Standards for Wetlands. However, the development of a WPP allows tribes to implement the CEF based on their individual program goals and available resources. The Region 6 Wetlands Program will be soliciting new grant proposals in FY2017. Our grants are solicited on a two year cycle. For more information, please see

<https://www.epa.gov/wetlands/wetland-program-development-grants> and <https://www.epa.gov/wetlands/what-enhancing-state-and-tribal-programs-effort>

Ten percent of total national WPDG funds will be set aside for a national, tribal-only competition. (About \$1.3 million per year). Tribes may apply to both RFPs with the same (or different) proposals. This year, the RFP will go out approximately 1-2 months after the general, State/Tribe regional RFP. We anticipate the RFPs to be very similar in regards to requirements and selection criteria.

Alison Fontenot, 214-665-7482; Wanda Boyd, 214-665-6696; Sondra McDonald, 214-665-7187

TREATMENT-AS-A-STATE FOR CLEAN WATER ACT GRANTS

TAS DEADLINE FOR CLEAN WATER ACT SECTION 319(H) AND 106

The EPA Region 6 deadline date for submitting applications for TAS for FY 2018 CWA Section 319(h) funding is April 30, 2017. ***Samuel Reynolds, 214-665-6682***

CITIZEN POTAWATOMI NATION TAS FOR CLEAN WATER ACT SECTION 319(H)

Citizen Potawatomi Nation's Treatment-As-A-State (TAS) application for CWA 319(h) was approved on September 14, 2016. *Samuel Reynolds, 214-665-6682*

CADDO NATION TAS FOR CLEAN WATER ACT SECTION 106

Caddo Nation of Oklahoma Treatment-As-A-State (TAS) application for CWA Section 106 was approved on September 29, 2016. *Samuel Reynolds, 214-665-6682*

ABSENTEE SHAWNEE TAS FOR CLEAN WATER ACT 319(H)

Absentee Shawnee Tribe submitted an application May 2016 for CWA 319(h) Treatment-As-A-State (TAS) non-point source program. The requested revisions to the management plan and assessment report are being reviewed and should be approved soon. The goal is to have Absentee Shawnee 319(h) TAS application by the end of the second quarter of FY 2017. *Samuel Reynolds, 214-665-6682*

TONKAWA TRIBE TAS CLEAN WATER ACT SECTION 319(H)

Tonkawa Tribe submitted a Treatment-As-A-State (TAS) application for the CWA Section 319(h) nonpoint source program in June 2016. EPA is working with Tonkawa Tribes staff to obtain the need piece in order to start the review. *Samuel Reynolds, 214-665-6682*

PUEBLO OF LAGUNA TAS FOR CLEAN WATER ACT 319(H)

The Pueblo of Laguna submitted a Treatment-As-A-State (TAS) application for CWA Section 319(h) nonpoint source program in June 2016. We are awaiting the tribe's response to comments on their management and assessment report. *Samuel Reynolds, 214-665-6682*

TREATMENT-AS-A-STATE FOR REGULATORY PROGRAMS**TREATMENT IN THE SAME MANNER AS A STATE (TAS) DETERMINATIONS FOR CLEAN WATER ACT §303(C) AND §401**

Region 6 is reviewing two applications for treatment in the same manner as a state (TAS) for the Clean Water Act (CWA) water quality standards (§303(c)) and water quality certification (§401) programs. The Citizen Potawatomi Nation and the Pueblo of Laguna each submitted TAS applications in fall 2014. Approval of a TAS application means that the Indian tribe is eligible to administer the water quality standards program under CWA §303(c), and is likewise eligible for purposes of certification under CWA §401. For the Citizen Potawatomi Nation's application, EPA is preparing for the next step in the TAS review process which includes notification to appropriate governmental entities and seeking comments on the Tribe's assertion of authority to regulate the quality of tribal waters identified in the application. EPA conducted a comment period (concluded in September) on the Pueblo of Laguna's application and is preparing a decision document. Region 6 is following the review process outlined in Attachment A of EPA's 2008 "TAS Strategy" to evaluate both TAS applications for the regulatory requirements in 40 CFR §131.8 (federal recognition, capability to manage federal programs, demonstration of substantial government duties, legal authority and jurisdiction over water resources). *Diane Evans, 214-665-6677; Tina Alvarado, 214-665-2709; Jay Przyborski, 214-665-6605; Shannon Snyder, 214-665-3134*

FINAL RULE FOR THE TREATMENT IN A SIMILAR MANNER AS A STATE FOR CLEAN WATER ACT 303(D) LISTING AND TMDL PROGRAMS

On September 26, 2016, EPA published a final rule to establish a regulatory process for eligible tribes to apply to the EPA for authority to obtain TAS for the CWA Section 303(d) Impaired Water Listing and TMDL Program. The rule, “Treatment of Indian Tribes in a Similar Manner as States for Purposes of Section 303(d) of the Clean Water Act,” enables eligible tribes to obtain authority to identify impaired waters on their reservations and to establish TMDLs, which serve as plans for attaining and maintaining applicable water quality standards. The final rule and supporting documents are available at <http://www.regulations.gov> using Docket ID No. EPA-HQ-OW-2014-0622. EPA is hosting two webinars for tribes on the CWA 303(d) TAS rule. The first was held on November 21, 2016, however, a second will be held on December 13, 2016 1:00 pm – 3:00 pm Eastern Time (Registration link: <https://attendee.gotowebinar.com/register/1358329346038076673>)

Tina Alvarado, ORC, 214-665-2709

LEAN PROJECT TO INCREASE EFFICIENCY AND SHORTEN TIMELINE FOR

TAS: Staff from the Water Quality Division, the Multimedia Division the Office of Regional Council, and the Office of Environmental Justice, Tribal and International Affairs are collaborating on an EPA LEAN project. William Rhea and Tom Ruiz are facilitating the project. LEAN is a set of principles and methods for identifying and eliminating non-value added activity (or waste) in any process. The goal of this project is to examine and improve the efficiency of EPA’s review of applications for treatment in a similar manner as a state (TAS) for regulatory programs under the Clean Water Act. **Diane Evans, 665-6677; Sam Reynolds, 665-6682; Lindsey Griffin, 665-2797; Aunjane Gautreaux, 665-7127; Tina Alvarado, 665-2709; Randy Gee, 665-8355; Alexandra Olson, 665-8506; William Rhea, 665-6767; and, Tom Ruiz, 665-3153.**

CWA REGULATIONS**BASELINE WATER QUALITY STANDARDS**

In August 2015, EPA initiated pre-rulemaking consultation and coordination with Indian tribes to explore an action that would establish federally-promulgated baseline water quality standards (WQS) for waters on Indian reservations that do not have EPA-approved WQS effective under the Clean Water Act. EPA published an Advance Notice of Proposed Rulemaking (ANPRM) in on September 19, 2016, to provide to receive specific and clear guidance from tribal governments and other interested parties on a proposed future federal promulgation for tribal water quality standards. (Note: EPA’s current thinking is that off-reservation allotment lands for individual members would not be covered, due to difficulties in identifying these parcels with certainty in the near term.) EPA has scheduled webinars on November 16th and December 15th, to provide the opportunity for interested parties to ask clarifying questions prior to the close of the comment period. The 90-day comment period closes on December 28, 2016. Additional information is available at: <https://www.epa.gov/wqs-tech/advance-notice-proposed-rulemaking-federal-baseline-water-quality-standards-indian>. ***Diane Evans, 214-665-6677; Tina Alvarado 214-665-2709***

2017 CWA 404 NATIONWIDE PERMIT REISSUE PROCESS:

The Corps of Engineers (COE) issued a Federal Register Notice on their proposed issuance of 52 Nationwide Permits (NWP's) which will become effective March 19, 2017. Nationwide permits are intended to facilitate permitting for categories of activities that are proposed to have minimal impacts to the aquatic environment from use of "fill" material in Waters of the U.S. NWP's are issued every five years; the 2012 NWP's are in effect at the present time. The FR notice was published June 1 and comments were due August 1, 2016. Currently the COE and EPA are completing the final changes and the COE plan is to issue the NWP's 90 days before they are set to take effect.

EPA is the agency required to address water quality certification for tribes that have not received treatment in the same manner as a state for the water quality standards and 401 certification program. In addition to EPA review of the content of the NWP's, we are about to begin the formal consultation process with the tribes to seek their input on how they would like us to address 401 certification of the NWP's. The COE Districts will contact tribes with water quality standards to initiate the process of 401 certification by those tribes. EPA is set to begin the consultation process with tribes that have not received treatment in the same manner as a state for the water quality standards. Information will be provided by letter, local meetings, and/or conference call to inform tribes of the process, the ramifications of approving or denying certification of the NWP's, and any other concerns tribes may have about the 2017 NWP's.

Thomas Nystrom, 214-665-8331

CORPS OF ENGINEERS VS HAWKES SUPREME COURT DECISION REGARDING WETLANDS JURISDICTION

BACKGROUND: Respondents proposed to mine peat in wetlands on their property in Minnesota and sought a § 404 permit from the Corps to discharge material into those wetlands. The Corps issued an approved JD, determining that the wetlands on-site had a "significant nexus" to the Red River of the North, 120 miles away, and therefore contained "waters of the United States" under the CWA. Respondents challenged the approved JD to the Corps' Mississippi Valley Division Commander, who remanded the JD for further fact-finding; the Corps District reaffirmed its initial determination that the property contained "waters of the United States." Respondents challenged the approved JD in District Court under the American Procedures Act (APA). Federal District Court held that the JD was not a final agency action and dismissed for want of jurisdiction; the Eight Circuit reversed; the Supreme Court granted certiorari.

Supreme Court Holding: Under § 404 of the Clean Water Act (CWA) and its implementing regulations, a U.S. Army Corps of Engineers (Corps) approved jurisdictional determination (JD) of whether a property contains "waters of the United States" is a final agency action under § 704 of the APA, subject to immediate judicial review.

Implications for Enforcement: The holding in *Hawkes* will have no direct impact on current enforcement cases. However, the decision highlights the continued importance of having a strong administrative record prior to issuing an administrative order under the CWA, as well as strong evidence to establish a prima facie case before filing an administrative complaint or referring a matter to the Department of Justice. In response to the *Hawkes* decision, on June 24, 2016, EPA and the Corps issued interim guidance finding it essential that the documentation and

administrative record developed to support JDs be complete and thorough; the agencies are continuing to develop further guidance considering options for responding to the implications of the decision.

Thomas Nystrom, 214-665-8331

WATERS OF THE UNITED STATES

EPA Administrator Gina McCarthy and Assistant Secretary of the Army for Civil Works Jo-Ellen Darcy signed the Clean Water Rule, “Definition of Waters of the United States” on May 27, 2015, clarifying the types of waters that are jurisdictional under the Clean Water Act. The rule became effective on August 27, 2015, 60 days after its publication in the Federal Register on June 29, 2015. However, since the rule’s publication, numerous lawsuits have been filed challenging the regulation, and on October 9, 2015, the U.S. Court of Appeals for the Sixth Circuit stayed the Clean Water Rule nationwide, pending further action of the court. The 6th Circuit held oral arguments on December 8, 2015, and on February 22nd, 2016, the court held that the Courts of Appeal have exclusive jurisdiction to hear the facial challenges to the Clean Water Rule. The agencies anticipate that litigation on the Clean Water Rule will continue for some time. During the stay, the EPA and the Department of the Army have resumed use of the prior regulations defining “waters of the United States” and implementation of these regulations will remain unchanged until further action is taken by the Court. More information about the rule, including information about court rulings, can be found at www.epa.gov/cleanwaterrule.

Alison Fontenot, 214-665-7482

EPA NATIONAL LAKES ASSESSMENT SURVEY

The EPA National Lakes Assessment (NLA) will take place late spring through the summer of 2017. The NLA is a statistical survey of the condition of the nation’s lakes, ponds and reservoirs. It is designed to provide information on the extent of lakes that support healthy biological condition and recreation, estimate how widespread major stressors are that impact lake quality, and provide insight into whether lakes nationwide are getting cleaner. Sampling sites will be chosen at random. As has been R6’s past practice, tribes will be notified if a sampling site on a tribal lake is selected. Notifications will include solicitations for permission to access the lake site as well as an invitation to participate in both the sampling event and training for the 2017 NLA. The training event will occur in the time period of late March-mid April, 2017, at a yet-to-be determined location. Please note that while there is no cost to attend the training, EPA does not cover lodging and per diem for the week-long event. For more information on all of EPA’s national aquatic resource surveys, including results of past surveys, please visit:

<https://www.epa.gov/national-aquatic-resource-surveys>. *Robert Cook, 214-665-7141*

Multimedia Division

Pesticides, Toxics & Underground Storage Tanks Branch

New and Upcoming Regulations

New UST Regulations: The EPA strengthen the federal underground storage tank (UST) requirements with the publication of the new final UST regulations on July 15, 2015, with an effective date of October 13, 2015. These new regulations provide additional protections for those UST facilities on Indian land. Deadlines for requirements taking effect were October 13, 2015, for a few requirements, April 11, 2016, for others and finally October 13, 2018, for the remaining requirements.

The new regulations include: adding secondary containment requirements for new and replaced tanks and piping and adding under dispenser containment that is liquid tight on the sides and bottom; adding periodic operation and maintenance requirements for UST systems; removing deferrals for emergency generators tanks, airport hydrant systems and field- constructed tanks; adding new release detection technologies; and requiring operator training.

Several new UST facilities have been constructed on tribal lands, which had to meet the new secondary containment requirements, and one emergency generator UST was recently constructed in Oklahoma. Under the new construction requirements these new facilities will provide better protection from petroleum leaks into the environment, by catching and notifying of leaks prior to the leak reaching the environment.

In addition, the new regulations require training for 3 classes of operators at all UST facilities: Class A, B and C. The training must be completed prior to October 13, 2018. OUST has prepared compliance assistance publications and notified all tribes of their availability. OUST is also working on a certification test that must be taken to obtain a certification certificate. In Region 6 our two funded consortia are providing training to the tribes to enable them to pass the certification test. **Larry Thomas, 214-665-8344**

Certification and Training Rule for Applicators of RUPs: On August 5, 2015, the EPA issued a proposal to revise the Certification of Pesticide Applicators rule. EPA closed the comment period on January 22, 2016, and the final rule may be published in December 2016. EPA is proposing changes to the rule that would improve the competency of certified applicators of Restricted Use Pesticides by: establishing new standards for certification, such as minimum age and examination standards for commercial applicators and more specific requirements for establishing competency of private applicators; establishing a uniform national certification period for private and commercial applicators and minimum requirements for recertification programs; and, establishing new certification categories to address specific high-risk application methods. The proposed rule would also impact tribes that operate certification programs. The impact on applicators and tribes will vary based on the current tribal requirements. **Greg Weiler, 214-665-7564**

Program Implementation

Tribal Underground Storage Tanks (UST) Inspections: During FY2017, EPA Region 6 will inspect 40 UST facilities operated on Tribal lands. Individual notification for these inspections is sent to the owner/operator and the Tribal environmental offices 30 days before the inspection. The operators of these facilities are provided compliance assistance during the inspections. Compliance at Region 6 tribal facilities remains high, at over 88% for the last 3 years. **Greg Pashia 214-665-8439, Larry Thomas 214-665-8344, Heather Mann 817-291-9106.**

Tribal Outreach and Education

Multi-Regional Tribal Indoor Air Quality (IAQ) Workshop: Multiple EPA Regional IAQ programs (Regions 6, 8, and 9) and tribal governments will coordinate to provide a second Multi-Regional Tribal Workshop. This workshop will be held during FY2017, although no date has been set. In addition to multiple Regions, we intend to include the EPA Tribal Groups and other federal agencies (HHS, CDC, IHS, ITEP, BIA, HUD, etc.) in the workshop. This way we can provide a comprehensive suite of important opportunities and emerging IAQ issues, needs, and strategies to address tribal IAQ problems. Region 6 IAQ will also collaborate with Region 9 IAQ to offer a suite of online training webinars to participating tribal nations. **Mark Berry, 214-665-3183**

EPA Region 6 Tribal Solid Waste Coordinator Hosts Tribal Solid and Hazardous Waste Workshops in Oklahoma and New Mexico: The workshops in 2016 were held on June 8th in Albuquerque at the Indian Health Service (IHS) office and June 16th at the ODEQ's office. There were attendees representing Region 6 tribes, ODEQ, NMED, the New Mexico Recycling Coalition, Oklahoma State University and the IHS. In addition to updates on EPA's Tribal Solid Waste Program, training was provided by the Regional Tribal Solid Waste Coordinator on our Tribal Hazardous Waste grants in order to help tribes gain a greater knowledge of the programs, and how to write a strong, competitive proposal. We also discussed the Brownfields program and state funding opportunities, as well as our Tribal Sustainability Tool, EPA's new Peer Matching Program, and our Green Casinos initiative. **Roger Hancock, 214-665-6688**

Grants

Pesticide Program Grants: Cooperative agreements were awarded to two tribal consortia, the Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC), to assist member tribes in building capacity to establish and maintain pesticides programs. The goal of the tribal pesticides program is to make tribes aware of the benefits and risks of pesticides and the requirements for their safe use, thereby safeguarding human health and the environment. **Lee McMillan, 214-665-6404**

Lead Paint Program Grants: The Cherokee Nation of Oklahoma was awarded a grant to conduct a Lead Based Paint Program. The focus of the program is maintaining the appropriate infrastructure to successfully administer and enforce the lead based paint program; provide training for lead inspectors; conduct inspections of licensed contractors engaged in lead-based activities and taking appropriate enforcement when needed. **Mike Adams, 214-665-6711**

UST Grants: The Intertribal Environmental Council (ITEC) and the Eight Northern Indian Pueblos Council (ENIPC) were awarded grants to provide compliance assistance to tribal UST owners and operators. The work of these two organizations has been instrumental in maintaining a high compliance rate at Region 6 Tribal facilities. **Audray Lincoln 214 665-2239**

Enforcement of Pesticide Laws

B&Y Pest Control: Region 6 fined a New Mexico company for improperly applying pesticides at the Sky City School in the Pueblo of Acoma. B&Y Pest Control had been contracted to address a prairie dog infestation at the school in June 2015. An EPA inspector found the company failed to use tamper-resistant bait stations to minimize exposure to children, pets and non-target pests, and used a restricted-use pesticide on tribal lands without a federal certification, in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In September 2016, B&Y agreed to a consent agreement and final order to settle the case and paid a civil penalty of \$14,000. The company has since come into compliance with FIFRA by acquiring the proper federal certification. **Lee McMillan, 214-665-6404**

Hazardous Waste Branch

Tribal Consultation and Coordination

Fort Wingate Depot Activity, New Mexico: Fort Wingate Depot Activity (FWDA) closed under Base Realignment and Closure (BRAC) in 1993. Closure and post-closure is managed under a state Resource Conservation and Recovery Act (RCRA) permit for closure and post-closure, effective December 31, 2005. Investigation and remediation work continues very actively. Base size at closing was 21,131 acres. The facility is scheduled to be returned to two Tribes, the Navajo Nation and the Pueblo of Zuni, although how the land is to be divided between the Tribes has not been resolved. Navajo lands and communities are adjacent to the facility, and both Tribes have had historic presence there. Very early in the base closure process the two Tribes were invited to be active participants in the process, attending the Base Closure Team (BCT) meetings and giving input; this participation continues to this day, with nine representatives of the Tribes at the latest BCT meeting.

The 2005 RCRA closure/post-closure permit issued by NMED included specific requirements for consultation with the Tribes in development of the Community Relations Plan, and prior consultation with the Tribes on work plans and reports. Posted warning signs are in English, Spanish, Zuni, and Navajo languages. Intrusive work is done in consultation with the Tribes' experts in order to preserve archeological sites, historic sites, and cultural resources.

The Army notified the stakeholders at the November 2014 BCT meeting that the FWDA project has been put on a funded, accelerated cleanup schedule, with the goal of having all major cleanup completed in 2020. This acceleration may allow transfer of the facility to the Tribes up to 10 years earlier than previously expected. Acceleration of the schedule has shortened Tribal

document review times, but the Tribes have not objected to the change. *Laurie King, 214-665-6771.*

Facility Specific Information

Los Alamos National Laboratory Hexavalent Chromium Groundwater Plume, New Mexico: Potassium dichromate was used in the cooling towers at some of the Los Alamos National Laboratory (LANL) power plants. The cooling water was periodically discharged to adjacent canyons. It is estimated that up to 72,000 kg of hexavalent chromium cooling water was discharged into Sandia Canyon from 1956-1972. The discharged water traveled downstream approximately 2 miles to an infiltration point in Sandia Canyon, where hexavalent chromium has contaminated the regional aquifer, which is approximately 1,000 feet below ground. LANL first discovered the groundwater plume in late 2005. In August 2015, LANL installed a groundwater monitoring well on San Ildefonso property to determine if the hexavalent chromium groundwater plume had migrated onto Pueblo property. Samples taken in September and October of 2015 from this monitoring well (SIMR-2) detected hexavalent chromium at 4 and 5 ppb (New Mexico Environment Department (NMED) standard is 50 ppb). It should be noted that the new monitoring well is actually located side gradient to the plume (the true down gradient location is on San Ildefonso sacred grounds). In May 2015, LANL submitted an Interim Measures (IM) Work Plan to NMED to address the chromium plume, which includes the extraction and treatment of the chromium contaminated groundwater. In February 2016, EPA Robert S. Kerr Laboratory (located in Ada, OK) reviewed and provided comments on the IM work plan per NMED's request. The chromium plume control IM Work Plan was approved and six new monitoring wells/piezometers were installed within and near the Cr plume. Data from these new monitoring points indicate that the 50-ppb plume boundary is more extensive than previously thought which may alter the scope of the IM in terms of plume control. The plume control plan will consist of 3 extraction wells and 6 injection wells. LANL needs to install one additional injection and extraction well to complete the plume control plan. *Laurie King, 214-665-6771.*

Sandia National Laboratories (SNL) Mixed Waste Landfill (MWL), New Mexico: In November 2015, the Pueblo Isleta contacted EPA Region 6 regarding the safety and status of the MWL. EPA Region 6 held a conference call with Isleta in December 2015, to discuss their concerns. The New Mexico Environment Department (NMED) agreed to hold a briefing with Isleta to provide the regulatory history and current status of the site. A mutually agreed briefing date has not yet been determined. EPA expects to have another call with Isleta after they meet with NMED.

The MWL is located on Kirtland Air Force Base, five miles southeast of the Albuquerque airport. It is a 2.6-acre site which operated from 1959 to 1988 as a disposal area for low-level radioactive waste and minor amounts of mixed waste generated by SNL research facilities.

The MWL has been extensively studied and discussed. Twenty-five years of monitoring and site characterization show no evidence of groundwater contamination. Groundwater, soil, and air data shows concentrations of potential contaminants do not pose a risk to human health or the environment for current and projected future uses. Monitoring is ongoing.

In 2004, the NMED Secretary of the Environment issued a Compliance Order on Consent for the MWL. In 2005, the Secretary issued a Final Order which required fate and transport modeling, a Corrective Measures Study and Implementation Report, installation of an evapotranspiration cover, and development of a Long Term Monitoring and Maintenance Plan (LTMMP). The cover was installed in 2009 to prevent erosion and animal intrusion. The LTMMP was approved in 2014. In February 2016, the NMED Secretary issued a Final Order which affirmed that it is safest to leave the MWL waste in place, and granted status as Corrective Action Complete for a number of other sites. This Order reiterated that the LTMMP requires completion of a comprehensive review and report every five years to evaluate the effectiveness of the current remedy. The Order required expansion of the scope of the five year review to also evaluate excavation, removal and disposal of the MWL. The first review is due in 2019. The Order also required that Sandia provide NMED and the interveners all records of wastes in the MWL. NMED acknowledged receipt of the document titled Historical Records Disclosure Affirmation: Contents of Solid Waste Management Unit 76, Mixed Waste Landfill, Sandia National Laboratories, May 2016. *Laurie King, 214-665-6771.*

Grants

The Office of Land and Emergency Management at EPA Headquarters annually awards a limited number of grants to Tribes under the statutory provisions of the Resource Conservation and Recovery Act, Subtitle C, Hazardous Waste Management Grant Program for Tribes for the development and implementation of hazardous waste programs and for building capacity to address hazardous waste management in Indian country. In 2016, the Kickapoo Tribe of Oklahoma was awarded \$82,666 to implement their project to create an inventory of hazardous waste used and stored by tribal departments, facilitate the beneficial reuse of hazardous wastes between different departments, coordinate two hazardous waste training events for staff, initiate a used oil collection program for the Maintenance Department, and host a household hazardous waste collection event for tribal members which will include community education about household hazardous waste reduction, safe use and storage and proper disposal. *Cheryl Scott, 214-665-2179.*

Air Programs Branch

Tribal Consultation and Coordination

Treatment as a State (TAS) for the Clean Air Act (CAA): On September 30, 2014, The Quapaw Tribe of Oklahoma submitted an application for TAS for CAA authority under Section 105, Section 505(a)(2), and any additional provisions of the CAA for which no separate Tribal program is required. On February 19, 2015, The Quapaw Tribe amended their application requesting CAA authority under Section 105, Section 505(a)(2), Section 107(d)(3), and CAA §126(a). Region 6 is currently reviewing the application and preparing to provide for notice and comment. Currently, four Tribes in EPA Region 6 have approved TAS for CAA authorities: The Cherokee Nation, the Pueblo of Laguna, Kaw Nation, and The Peoria Tribe of Oklahoma. *Frances Verhalen, 214-665-2172.*

Four Corners Air Quality Oversight Group: The Four Corners Air Quality Oversight Group Fall 2016 meeting is scheduled for December 1, 2016 in Farmington, New Mexico. Discussion topics include trends analysis for air monitoring, updates from Navajo Nation and The Southern Ute Indian Tribe, environmental programs for Conoco and Public Services Company of New Mexico, and a discussion on the Clean Power Plan and Western States Energy. *Frances Verhalen, 214-665-2172.*

Tribal Permitting

New Source Review Regulatory Update: On June 3, 2016, the EPA finalized the federal implementation plan (FIP) to the Federal minor new source (mNSR) Program in Indian Country for *oil and natural gas production*. <https://www.gpo.gov/fdsys/pkg/FR-2016-06-03/pdf/2016-11969.pdf> The FIP rules will reduce air pollution that harms public health, and clarify permitting requirements to allow safe, responsible oil and natural gas development to continue. The FIP, effective October 3, 2016, will be used instead of site-specific mNSR preconstruction permits in Indian country and will incorporate emissions limits and other requirements from eight New Source Performance Standards (NSPS) for the oil and natural gas industry.

Specifically, the FIP applies to new true minor sources and minor modifications at existing true minor sources in the *oil and natural gas sector* throughout reservation areas in Indian country and any other areas of Indian country for which a Tribe or EPA has demonstrated that the Tribe has jurisdiction. This sector is defined in the rule for oil production that includes all operations from the well to the point of custody transfer to an oil transmission pipeline or other means of transportation to a petroleum refinery. For the natural gas sector, this includes all operations from the well to the final end user. The FIP requires the owners/operators to fill in two registration forms one which must be filed with EPA 30 days prior to construction, and obtain EPA's approval for Section 106 (NHPA) and Section 7(a) (ESA) of the Act. The second form needs to be filed within 60 days of operation. These forms will be available on the EPA Region 6 website noted below.

Also in this federal action, EPA clarified the meaning of “adjacent” for the oil and gas industrial sector that is used to determine the scope of a “stationary source”, commonly known as aggregation of emission sources for defining major NSR or Title V sources, which is effective August 2, 2016. See FR 35623 at: <https://www.federalregister.gov/articles/2016/06/03/2016-11968/source-determination-for-certain-emission-units-in-the-oil-and-natural-gas-sector>

Region 6 has posted the “fillable” forms for registration, minor NSR permit applications on the Region 6 website at: <http://www.epa.gov/caa-permitting/caa-permitting-epas-south-central-region>

Tribes are encouraged to review training provided by the Institute for Tribal Environmental Professionals (ITEP) as well as the basic training information on the EPA website. Upon request, Region 6 can provide some assistance to Tribal permit applicants for the minor NSR permits.

Region 6 Tribal Permit Status

Major Tribal Permits: To date, there are 5 existing Part 71 permits and one application for a Part 71 permit in New Mexico. There are currently two pending Part 71 permit renewals for compressor stations that will be written after obtaining additional information from the sources with respect to the new aggregation rule. The status of these permits can be found at:

<http://www.epa.gov/caa-permitting/part-71-operating-permits-tribal-lands-epas-south-central-region>

Synthetic Minor Permits: Region 6 currently has five synthetic permit applications (<http://www2.epa.gov/caa-permitting/tribal-nsr-permits-epas-south-central-region>). The Sandia Resort and Casino permit was issued on December 18, 2015. The NuStar Logistics LP located on Santo Domingo Pueblo is an asphalt and crude oil transportation terminal was issued on May 4, 2016. The public notice for the New Mexico Gas Company (NMGC) compression station on Laguna Pueblo ends on October 27, 2016. EPA Region 6 will continue implementing e-notice of its proposed permit actions. We will also provide a separate letter about a public notice/comment period at the beginning of the comment period to the Tribal Nation where the facility is located and to all affected States and Tribes (as in 40 CFR §49.157).

Minor NSR Sources Registration: To date, there have been approximately 146 registrations submitted, and many are from oil and gas facilities. *It should be noted that any registered source that makes a change to their source which results in a change of their operation and/or emission changes needs to re-register their facilities with EPA in accordance with 49 CFR §160(c).*

Also, please note that the use of Air Curtain Incinerators for the combustion of wood and brush material will require the filing of a registration form and may also require a federal permit.

Upon request, EPA Region 6 will assist Tribes in reviewing Clean Air Act permits as well as support those taking on the responsibility of permitting program phases. ***Bonnie Braganza, 214-665-7340.***

Tribal Funding

FY2017 Tribal Air Funding: In FY2017, EPA Region 6 expects to receive approximately \$1,130,000 in federal funds to support assistance agreements under statutory provisions of the Clean Air Act Section 103 and Section 105. In December 2016, the Office of Environmental Justice and Tribal Affairs (OEJTA) will send a collective email to Tribal Leaders, including a solicitation for proposals for air projects and program activities to be conducted in FY2017. Proposals will be expected, in February 2017.

In March, 2017, proposals will be sent to a panel of technical and administrative Air Program staff for review and recommendations of approval, partial approval, and non-approval. All applicants will be notified of their specific recommendation and the basis for that recommendation, via email, May 1, 2017. All awards will be finalized by September 30, 2017.

Note: The Tribal Air Guidance manual, Protecting Tribal Air Quality Options and Opportunities, is available to Region 6 Tribes as a tool to assist in project and grant proposal development for future Tribal Air funding opportunities. Due to changes with EPA's internet, the guidance document is not currently posted. However, an electronic copy of the document is shared with Region 6 tribes, annually, and may be requested throughout the year. *Aunjaneè Gautreaux, 214-665-7127.*

Current and Upcoming Regulations

Designations under the 2015 Ozone Standard: On October 1, 2015, EPA strengthened the National Ambient Air Quality Standard (NAAQS) for ground-level ozone to 70 parts per billion (ppb), based on extensive scientific evidence about ozone's effects. On February 29, 2016, EPA sent letters to the Tribes, inviting them to participate in the designations process and to offer consultation. To date, we have not received such requests for consultation from the Tribes. As required by the Clean Air Act (CAA), EPA anticipates making designations under the revised standards by October 1, 2017 and those designations likely will be based on 2014-2016 air quality data. Tribes were invited to submit to EPA their recommendations for area designations within their jurisdictional boundaries. We did not receive recommendations from the Tribes in Region 6. We did receive recommendations from the five states in Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas). Based on ozone monitoring data for 2013 to 2015, none of the Tribal monitors within Region 6 are violating the new standard. EPA has placed designations guidance and data, including the Ozone Designations Mapping Tool, on its website at <https://www.epa.gov/ozone-designations>. The mapping tool will assist air agencies in developing their area designation and nonattainment boundary recommendations and will provide the relevant data to facilitate the analyses. *Mary Stanton, 214-665-8377.*

Proposal to Retain the Lead Standard: On September 16, 2016, based on its review of the air quality criteria for lead (Pb), EPA issued a final rule to retain the existing 2008 standards without revision. The primary and secondary Pb standards are 0.15 micrograms per cubic meter Pb in total suspended particles as a 3-month average. To view the final rule and additional information, please visit www.epa.gov/lead-air-pollution/national-ambient-air-quality-standards-naaqs-lead-pb. *Guy Donaldson, 214-665-7242.*

Texas and Oklahoma Regional Haze FIP: On January 5, 2016, EPA finalized an action to partially approve and partially disapprove a revision to the Texas State Implementation Plan (SIP) and to partially disapprove a revision to the Oklahoma SIP submitted in February 19, 2010, to address regional haze. This action also included Federal Implementation Plans (FIPs) for Texas and Oklahoma to remedy these deficiencies. The Texas FIP implements SO₂ emission limits on 15 Texas coal fired power plant units, located at 8 facilities in Texas, as part of a long-term strategy for making reasonable progress at three Class I areas in Texas and Oklahoma. It also sets new Reasonable Progress Goals (RPGs) for the Big Bend, the Guadalupe Mountains and substitutes Texas' reliance on the Clean Air Interstate Rule (CAIR) to satisfy BART requirements at its EGUs with reliance on CAIR's successor, the Cross-State Air Pollution Rule (CSAPR). The Oklahoma FIP sets RPGs for the Wichita Mountains Class I areas. This action is a continuation of the December 13, 2011, Oklahoma FIP, in that it covers EPA's evaluation of Oklahoma's reasonable progress requirements which EPA previously did not act upon. Due to

the unresolved status of the CSAPR remand, EPA was unable to process the Best Available Retrofit Technology (BART) requirements for Texas power plants in the final action. EPA is under a consent decree with environmental groups to propose an action on Texas BART by December 9, 2016, with a final action by September 9, 2017. *Joe Kordzi, 214-665-7186.*

New Mexico Regional Haze Federal Implementation Plan (FIP): On October 9, 2014, the EPA took final action approving a revised New Mexico regional haze State Implementation Plan (SIP) and withdrawing the FIP (see 79 FR 60985 and 79 FR 60978). The approved New Mexico Regional Haze SIP calls for the retirement of two units at the 1,800-MW coal-fired San Juan Generating Station (SJGS) by the end of 2017. The remaining two units have recently been retrofitted with selective noncatalytic reduction technology and performance testing is currently underway. In December, 2015, the New Mexico Public Regulation Commission (PRC) approved Public Service Company of New Mexico's (PNM) plan for future operations, including retirement of two units at the SJGS, and plan for obtaining replacement power. *Michael Feldman, 214-665-9793.*

Air Monitoring

Oil & Gas Air Monitoring: The Alabama-Coushatta Tribe competed nationally for, and was awarded, an EPA Community-Scale Air Toxics Ambient Monitoring grant. The project is for fence line monitoring of hazardous air pollutants such as benzene, toluene, ethylbenzene, xylenes and aldehydes, in the vicinity of oil and gas sites. The Tribe is currently working with a contractor to deploy the monitoring system and collect samples once a week for three years. *Craig Lutz, 214-665-2190.*

Climate Change

Clean Power Plan (CPP) Final Rule Update: EPA announced the CPP Rule to cut carbon pollution from new and existing power plants on August 3, 2015, and published it (along with the proposed rule for the CPP Federal Plan/Model Rules and Trading Program for states) in the Federal Register on October 23, 2015. The 90 day comment period on proposed Federal Plan/Model Rule ended on January 21, 2016. EPA held CPP community workshops focused on Tribal communities in early December in Farmington, NM and Tuba City, AZ. Region 6 conducted a webinar for Tribes and community interest groups on December 11, 2015. EPA received nearly a million public comments by the end of the public comment period.

Three Tribes fall directly under CPP mandates: the Navajo Nation (Arizona and New Mexico), the Ute Tribe of the Uintah and Ouray (Utah), and the Fort Mojave Tribe (Nevada), which have one or more electric-generating units (EGUs) on its lands. Rules for Tribes with existing EGUs were written separately into the CPP, though they reflect the overall goal of a 32% reduction in carbon output by 2030.

The CPP would also impact "non-EGU" Tribal communities throughout the U.S. for several reasons: carbon reduction promises to at least slow the progression of climate change, which hits Tribes particularly hard as it impacts their environments, health, and cultural and spiritual well-being. A significant reduction in carbon emissions from power plants nationwide would also

reduce emissions of other dangerous pollutants, including mercury and sulfur dioxide. And incentives built into the CPP would enable Tribes that are planning to develop Renewable Energy (RE) or Energy Efficiency (EE) projects to participate in the trading provisions of the final rule, thereby providing potential emission rate credits (ERCs) to states to help them meet their goals (as long as they are connected to the continental U.S. grid and meet other requirements for eligibility). This effort would benefit Tribes both environmentally and economically—and potentially aid in their energy-sovereignty efforts—as they move toward lower-impact power generation and increase energy efficiency within their communities.

A coalition of 26 states and a coal mining company filed lawsuits opposing/challenging the CPP in October/November 2015. Those lawsuits are progressing through the U.S. Court of Appeals in Washington, DC.

On February 9, 2016, the Supreme Court *stayed* implementation and enforcement of the CPP pending judicial review. The Supreme Court’s decision was not on the merits of the rule. EPA firmly believes the CPP will be upheld when the merits are considered because the rule rests on strong scientific and legal foundations. For the states (***and Tribes***) that choose to continue to work to cut carbon pollution from power plants and seek the agency’s guidance and assistance, EPA will continue to provide tools and support.

EPA will make additional information available as necessary.

Key Points

- Implementation and enforcement are on hold.
- Initial submittals (by states ***and Tribes***) not required on September 6, 2016.
- EPA will continue to work with states (***and Tribes***) that want to work with us on a voluntary basis.
- For more information, please visit: www.epa.gov/cleanpowerplan

Mark Hansen, 214-665-7548.

2016 Diesel Emissions Reduction Act (DERA) Tribal Funding: For the third year in a row, EPA is offering a stand-alone Tribal Request for Proposals (RFP) for National Clean Diesel Campaign (NCDC) grants for projects that reduced emissions from older diesel engines. The RFP was released in June, 2016, and two informational webinars were held to accompany the RFP. No Region 6 Tribes submitted a proposal. *Gloria Vaughn, 214-665-7535*

Compliance Assurance and Enforcement Division

Compliance Evaluation Inspections are continuing. The Region will conduct several inspections this fiscal year to verify compliance with existing administrative orders on consent. The Region will also continue to conduct compliance inspections to evaluate systems which have persistent problems and may become subject to enforcement actions. In all circumstances, enforcement will coordinate with the Tribal Nations and Pueblos prior to inspections. We appreciate the efforts made by the Tribal Nations and Pueblos during the last five (5) years to improve compliance rates. There are currently no new facilities on the list of Tribal PWS systems for priority enforcement.

EPA has an inspector operating out of an office in Albuquerque. His name is David Esparza. His primary responsibility is conducting compliance evaluation inspections of potential waste water treatment facilities in New Mexico. If Tribes identify discharge of waste water on their lands we encourage them to contact Mr. Esparza.

Jerry Saunders, 214-665-6470

Superfund Division

TRIBAL CONSULTATION AND COORDINATION

VARIOUS REMOVAL/REMEDIAL ISSUES

Jackpile-Paguate Uranium Mine: EPA conducted an aerial radiation and imagery survey of the Jackpile Paguate site on October 5-7, 2016, kicking off the preliminary steps toward assessing the current site conditions. The data collected will assist EPA in identifying areas of higher priority and establishing zones of interest. Next steps will likely include in-situ sampling with field instrumentation to further refine zones of interest. Meanwhile, on-going negotiations continue for reaching a settlement with Atlantic Richfield, the Potentially Responsible Party and former operator of the site. *Petra Sanchez, 214-665-6686*

Quapaw Tribe: The Quapaw Tribe Environmental Office is conducting a pilot project using soil amendments which have been applied to impacted soils to reduce the bioavailability of the metals of concern. The application of technical performance measures and long-term monitoring will determine whether the amendments are functioning as designed. The Tribe has performed the remedial action at another portion of tribal lands known as Beaver Creek North (CP060) and is currently performing the remedial action at Distal 13. *Rafael Casanova 214-665-7437*

Quapaw Tribe: A cooperative agreement with the Quapaw Tribe was awarded in September 2016, in the amount of \$5,754,764. This award is to fund the Tribe to remove contamination from the Restricted Land Area of Tar Creek, specifically Elm Creek, Distal 10 & 12. The beginning of the project/budget period was September 1, 2016, with an approximate ending date of August 31, 2020. *Kathy Gibson 214-665-7196*

Tar Creek: On July 19, 2016, the EPA coordinated a stakeholder meeting to discuss Region 6 EPA OU5 activities, Region 6 EPA/ODEQ/Quapaw OU4 activities, ODEQ OU2 activities, and Region 7 EPA Cherokee county activities. The EPA continues to coordinate with the tribal groups interested in the Tar Creek Site through periodic meetings and conference calls that provide updates and discussion opportunities related to progress and schedule for remedial action (OU2 and OU4) and Remedial Investigation (OU5). EPA and other parties held a community session to present information of work being performed throughout the Tri State area on August 16, 2016. EPA participated in the LEAD Agency Tar Creek Conference held on September 13 – 14, 2016, and presented updates on site activities. In addition, EPA will be attending and providing site activity updates to the Trustee Councils of Tristate in November 2016. The next stakeholder update meeting is tentatively scheduled for January 2017. *Rafael Casanova 214-665-7437/Katrina Higgins-Coltrain 214-665-8143*

NM Abandoned Uranium Mines - Tronox Settlement: Tronox was created in 2005 as a spinout of Kerr McGee and was saddled with massive environmental and legal liabilities. Tronox filed bankruptcy and filed a fraudulent conveyance suit against Kerr McGee and its successor, Anadarko. The U.S. Department of Justice finalized a \$5.2 billion settlement with Kerr McGee and Anadarko on January 23, 2015. EPA received \$985 million of the settlement to address legacy human health and environmental impacts at uranium mine sites in NM and on the Navajo

Nation. The \$985 million will be used to fund the cleanup of approximately 50 abandoned uranium mines in NM and on the Navajo Nation. Of the 50 mines, 22 mines in NM were identified in the Tronox Settlement. EPA Regions 6 and 9, along with the Navajo Nation EPA and New Mexico Environmental Department (NMED) and New Mexico Energy, Minerals and Natural Resources Department (NMEMNRD) have established quarterly meetings to identify project activities and goals at the abandoned uranium mines. Investigations into the impacts on groundwater from legacy mining and milling with the potential risk to residents using groundwater as their domestic water supply continue as EPA Region 6 develops a conceptual site model tentatively scheduled to be released in FY18. The Phase 1 Ground Water Investigation was released to stakeholders and the public in September 2016. The Phase 2 Ground Water Investigation will be released in Spring 2017. A non-time critical removal assessment on the Tronox NAUM East Geographic Subarea and associated areas in Ambrosia Lake began in July 2015 and was completed in completed in March 2016. The West Geographic Subarea is currently being assessed. The data is being utilized to prepare an EE/CA Report for the site. Meetings were held the week of June 13th with Region 6, Region 9, Navajo Nation, NMED, and NMEMNRD to discuss priorities for FY 2017. *Chris Villarreal 214-665-6758, Kevin Shade 214-665-2708, Jon Rinehart 214-665-6789, Warren Zehner 281-983-2229*

Grants Mining District – Draft Five-Year Plan: On October 9, 2015, Region 6 released the draft 2015-2020 Grants Mining District Five-Year Plan to the public, tribal, state and federal agencies for review and input. An offer of consultation was also extended to the Pueblo of Acoma and the Pueblo of Laguna on the draft plan. In June 2016 the final 2015-2020 Grants Mining District Five-Year Plan was released to the public. In the coming month EPA will be scheduling meetings with public, tribal, state and federal partners to provide updates on the implementation of the plan and receive feedback on the progress. *Kevin Shade 214-665-2708, LaDonna Turner 214-665-6666*

Rio Puerco Mine – On October 6-7, the ASPECT Team flew over the Rio Puerco Mine near the Navajo Nation To'hajiilee Chapter to conduct an aerial radiological survey. EPA met with the Chapter Council and community on September 27 to discuss the ASPECT flight planned for the mine. The mine is approximately 3 miles northwest of the reservation and the flight path will include approximately 1.25 square miles of the reservation. The planned flight took place during the already planned Albuquerque Balloon Festival and Jackpile-Paguate radiological surveys. The information gathered from the radiological survey, along with information provided by the BLM, will help EPA and the Navajo Nation decide if the mine should be included in the list of mines impacting the Navajo Nation that can be addressed under the \$968 million allocation. A final report is expected in the next couple months, afterwards EPA will share the results with the Navajo Nation and Region 9. *Kevin Shade 214-665-2708*

BROWNFIELDS

128A Tribal Response Program Updates:

- Region 6 funded four FY16 128a Tribal Response Programs: The Inter-Tribal Environmental Council, Eight Northern Indian Pueblo Councils, Absentee Shawnee

Tribe and the Kickapoo Tribe of Oklahoma. The national budget for 128a funding remained at \$47.7M this year.

- The Region 6 Brownfields Program continues to partner with the Region 6 GAP program to identify areas to better coordinate to promote grant efficiencies and effectiveness.

Amber Howard 214-665-3172

Inter-Tribal Environmental Council – Tribal Response Program

The Inter-Tribal Environmental Council (ITEC) administers a 128a Tribal Response Program, building capacity since 2000. ITEC provides outreach to its 41 member tribes regarding what the Brownfields Program is, how it can benefit tribal lands and the services ITEC can provide (such as training, inventories and site assessments). ITEC's Brownfields Program disseminates information by visiting with tribes in person, hosting in the Tribal Summit, and utilizing its website and email news. ITEC's website provides information about Brownfields, including services offered and an inventory of brownfields sites that have been addressed with its program.

ITEC recently began the process of rewriting, amending, editing, and ultimately developing a new set of environmental statutes and regulations to assist with implementation of its Brownfields Program. ITEC is considering addressing vapor encroachment through its Brownfields Program. ITEC is also providing training such as ASTM to member tribes.

The ITEC Tribal Response Program was featured in the Office of Brownfields and Land Revitalization's State and Tribal Newsletter for the July/August/September 2016 issue.

Recent assessment and technical assistance provided by ITEC include:

- The Delaware Nation Drum site was referred to the EPA Removal program for a limited cleanup action. While conducting Phase I Environmental Assessment activities, ITEC encountered a room of unlabeled drums, many of which were unlabeled and appeared to be leaking. ITEC contacted EPA for assistance. The removal activities were completed and ITEC is now continuing its assessment efforts. ***Amber Howard 214-665-3172***

Eight Northern Indian Pueblo Council – Tribal Response Program

The Eight Northern Indian Pueblo Council (ENIPC) administers a 128a Tribal Response Program, building capacity since 2010. ENIPC is working to enhance and implement the Brownfields 128(a) program by: 1) providing outreach directly related to increasing awareness of Brownfields to communities and its response to help to develop the skills of program staff and the 22 Pueblo/Tribes, and 2) providing training to staff and Tribal environmental professionals about the USEPA State and Tribal Response Program and its elements. ENIPC continues to focus on outreach/training to the communities, its partnership with the New Mexico Environment Department State Response Program, as well as enhancing the structure of the 128(a) program - the survey and inventory, and the public record.

Recent assessment and technical assistance provided by ENIPC include:

- Pueblo of Isleta: After visiting Isleta shooting range in March 2016, ENIPC followed up with Pueblo of Isleta by completing Phase I environmental site assessment (ESA) on the Isleta shooting range in October 2016. Additionally, ENIPC will undertake effort to screen soils in shooting range to confirm presence

and concentration levels of lead in shooting range. The Pueblo of Isleta will follow with spot cleanup of hot spots identified through XRF screening by ENIPC. The shooting range is used by hunters of Pueblo of Isleta and is an important tribal resource for Pueblo of Isleta. *Amber Howard 214-665-3172*

Absentee Shawnee Tribe – Tribal Response Program

The Absentee Shawnee Tribe (AST) relaunched its 128a Tribal Response Program in 2013. AST continues to promote sustainable and livable rural communities by establishing, maintaining and enhancing their Tribal Brownfield Response Program to protect disproportionately impacted low-income, minority, and Tribal communities. The Tribe continues to use the Tribal Response Program to preserve land and prevent land contamination by preparing for and responding to accidental or intentional releases of contaminants; ensuring clean up and restoration of polluted sites for reuse; reducing waste generation; maintaining an inventory of brownfields sites and reviewing the Tribal Solid Waste Code for necessary updates to ensure proper management of waste and petroleum products. The AST Tribal Response Program has partnered with the Oklahoma Department of Environmental Quality (ODEQ) and the Inter-Tribal Environmental Council's Brownfields Program to secure Phase II site assessments and Certificates of Completion to further the reuse of Brownfields properties.

The AST Tribal Response Program was featured in the Office of Brownfields and Land Revitalization's State and Tribal Newsletter for the July/August/September 2016 issue.

Recent assessment and technical assistance provided by AST include:

- Housing Authority property - The AST is currently working with the Absentee Shawnee Housing Authority (ASHA) on a U.S. Department of Housing and Urban Development (HUD) Housing project. AST completed the NEPA Environmental Assessment, Finding of No Significant Impact and Request for Release of Funds documents. The AST is assisting the ASHA with the removal of 2 underground storage tanks and the capping a water well on the proposed housing addition site. The ASHA plans for the construction of 25 low income housing units located on the proposed site. *Amber Howard 214-665-3172*

Kickapoo Tribe of Oklahoma – Tribal Response Program

The Kickapoo Tribe of Oklahoma (KTO) began developing its 128a Tribal Response Program in October 2015. KTO strives to provide effective environmental programs that promote protection of the environment and human health with respect to surface water, drinking water, air, solid waste, underground storage tanks, hazardous waste, emergency response, environmental justice, pesticides and environmental planning projects. With the addition of a 128(a) program, KTO will complement existing services by developing a site inventory on tribal lands, strengthening the tribe's capacity to respond to contaminated sites, fostering public participation through outreach and education and developing cleanup standards. Additionally, KTO is partnering with both 128a and GAP to pilot a joint work plan to accomplish common goals of both programs. *Amber Howard 214-665-3172*

TARGETED BROWNFIELDS ASSESSMENT ACTIVITIES

ENIPC: EPA's TBA Program completed Phase I ESA on the Valmora tract (70-acres) and a Phase II ESA on the administration building on the Valmora tract in June 2016 in response to request from ENIPC Executive Director. Mailed Phase I and II ESA reports to ENIPC and held a conference to discuss results from Phase I and II ESA in July 2016. The Valmora tract included 11 structures built as a housing sub-division. ENIPC goal is to redevelop Valmora tract into office space, and sustainable agriculture activities. ***Karen Peycke 214-665-7273***

Santa Clara Pueblo: Administrator McCarthy toured and met with Governor of Santa Clara Pueblo in August 2016. No Brownfields issues were identified for follow-up by OEJITA.

NMED's Brownfields Program is waiting for Santa Clara Pueblo to send in Targeted Brownfields Assessment request and property access agreement for the judicial complex since March 2016. NMED offered to update asbestos survey and abatement plan for judicial complex upon learning that Santa Clara's environmental contractor claimed that "asbestos materials" estimate originally provided by NMED was underestimated. Santa Clara Pueblo approached BIA for additional funding to abate remaining asbestos materials in judicial complex after NMED updates asbestos survey and abatement plan.

EPA Superfund Site Assessment issued a no further action recommendation on the Bridges Radiator Shop in Espanola, NM in May 2016. EPA TBA Program is waiting for TBA request forms and property access from Santa Clara Pueblo for the Bridges Radiator Shop. EPA TBA Program will coordinate environmental site assessment activities with NMED if Santa Clara requests assistance from both EPA and NMED. Santa Clara Pueblo will evaluate what the reuse options are for Bridges Radiator Shop.

Karen Peycke 214-665-7273

Taos Pueblo: NMED issued task order to its contractor to cleanup Taos Community and Health Services Building and former doctor office/residence burnt structure through its Brownfields RLF as a "sub-grant" to Taos Pueblo. ***Karen Peycke 214-665-7273***

Cochiti Pueblo: Region 6 nominated Cochiti Pueblo as a "Making a Difference to Communities" community for Green Infrastructure in FY 2015.

Cochiti Pueblo started working with EPA, NMED, BIA and Pena Blanca Water Authority to address the potential impacts from abandoned Cochiti Gravel Mine on area including drinking water well located in Pena Blanca but adjacent to mine in August 2013. EPA Brownfields Program coordinated with Emergency Response Branch, Tribal Office Site Assessment Section within EPA Region 6 and outside of EPA with NMED's Drinking Water Bureau and NMED's Brownfields Program to identify resources available to assist Cochiti Pueblo with identifying and confirming impacts from abandoned mine operations. The EPA Targeted Brownfields Assessment Program completed a Phase I ESA in FY 2014. EPA TBA Program completed soil gas survey of the mine staging area and sampled the single source drinking water well operated by Pena Blanca Water Board – adjacent to staging area of abandoned gravel mine in 2015. In September 2015, the Cochiti Pueblo Council and Governor were briefed about Targeted

Brownfields Assessment assistance completed (soil gas survey and sample of drinking water well) and follow-up Phase II ESA planned for the Cochiti's abandoned gravel mine planned. Note – the drinking water well sample results did not indicate contamination of water from heavy metals or petroleum products.

In June 2016 NMED completed sampling of private water wells located on residences that are adjacent to Cochiti's abandoned gravel mine. Additionally, NMED undertook quarterly sampling of single source drinking water well at the request of the Pena Blanca Water Board – as follow-up to EPA's TBA sampling of well.

EPA coordinated with Cochiti Pueblo, Pena Blanca Drinking Water Board, Rural Waters (non-profit) and NMED to design a sampling plan to confirm presence of solvents, hydrocarbons and heavy metals in surface soils, below surface ground soils (6 feet interval NMED will sample and 12 feet interval EPA TBA contractor will sample) for a follow-up Phase II ESA. The Phase II ESA was completed in July 2016. There were no actionable levels of contamination in surface or sub-surface soils. The key environmental issues are associated with mine-scarred which include an eroding escarpment and berm, unstable mine floor, and potential runoff/impact to adjacent residences. Region 6 has tasked the USACE Albuquerque District Office with developing structure stabilization options for the Cochiti Pueblo to consider in FY 2017. Region 6 is in the process of finalizing Sustainable Reuses of Cochiti Abandoned Gravel Mine scope of work for EPA's Land Revitalization contractor. Significant community engagement and interaction with Cochiti Pueblo, Pena Blanca and Sandoval County, NMED, and other interested entities are anticipated while developing cleanup plan (structure stabilization options) for the Cochiti Abandoned Gravel Mine AND Sustainable Reuse Options for Cochiti Abandoned Gravel Mine in FY 2017.

Administrator McCarthy toured Cochiti Pueblo and met with Governor of Cochiti Pueblo in August 2016. No Brownfields issues were identified for follow-up by OEJITA. ***Karen Peycke 214-665-7273***

Zuni Pueblo: EPA and NMED met with Zuni Pueblo Environmental Department (Zuni Pueblo) in August 2016. Zuni Pueblo noted that the abatement of asbestos containing materials in Malco Station building was completed, and Tribal Council was considering resolution to approve Zuni tribal funds to demolish structure. EPA, NMED and Zuni Pueblo discussed future environmental site assessment needs for the closed Chevron gas station on Highway 53, and other Zuni Pueblo sites. Additional, topics discussed included Zuni Pueblo interest to demonstrate construction of residences from used tires, and establishing a household hazardous waste collection for Zuni Pueblo and potentially area. EPA provided Zuni Pueblo introduction and referral to Tribal Solid Waste Coordinator at EPA and the Northwest New Mexico Regional Council of Governments to discuss possibility of establishing household hazardous waste collection. ***Karen Peycke 214-665-7273***

Acoma Pueblo: Administrator McCarthy toured Acoma Pueblo and met with Governor of Acoma Pueblo in August 2016. The Brownfields issues regarding assistance with the Acomita School and other brownfields properties was raised during Administrator McCarthy's visit. The Office of Sustainable of Communities identified these Brownfields issues to Region 6 for follow-

up. Region 6 will request TBA funding to undertake a Phase I and II environmental site assessment on the Acomita School site in FY 2017. ***Karen Peycke 214-665-7273***

TRIBAL TRAINING

Brownfields Workshop: NMED and Santa Fe Community College in partnership with KSU-TAB held a Brownfields Workshop at the Santa Fe Community college campus in August 2016. Laguna Pueblo, Santa Domingo Pueblo, Cochiti Pueblo, and ENIPC representatives attended workshop. ENIPC expressed interest in hosting a Brownfields Tribal Workshop in New Mexico in FY 2017. ***Karen Peycke 214-665-7273***

ITEC Training Survey: ITEC recently sent out a request for training needs to member tribes. ITEC offers various environmental training throughout the year. ***Amber Howard 214-665-3172***

XRF Screening and Sampling Training: NMED provided examples of XRF screening and sampling plans to evaluate lead concentrations from expelled bullets on shooting ranges to ENIPC in May 2016. Additionally, NMED offered to provide field training to ENIPC when ENIPC deploys XRF on Isleta's shooting range. ***Karen Peycke 214-665-7273***

Office of Environmental Justice, Tribal and International Affairs

OFFICE AND STAFF UPDATE

Alexa Olson has joined the Tribal Affairs Team at OEJTIA. Alexa will be working with our tribal partners in Louisiana. EPA Region 6 welcomes Alexa to her new position!

Israel Anderson and Yulonda Davis will be retiring from EPA at the end of this year. Israel is the Associate Director of Environmental Justice and Yulonda is a GAP Project Officer and Tribal Liaison for OEJTIA. We will miss Israel and Yulonda and wish them the best in retirement!

TRIBAL FUNDING

Region 6 General Assistance Program (GAP): In FY 2016, OEJTIA finalized funding actions for sixty-one GAP grants, including seven Performance Partnership Grants (PPGs), totaling \$7,741,899 to Pueblos, Tribal Nations and Tribal Consortia in Region 6. OEJTIA has sent the GAP FY 2017 funding announcement to tribal partners and the announcement is posted to the EPA Region 6 Tribal Affairs website. Applications should have a funding level of no greater than \$125,000 and are due by January 13, 2017. *Randy Gee, 214-665-8355.*

EPA-TRIBAL ENVIRONMENTAL PLANS

ETEP Update: OEJTIA finalized seventeen EPA-Tribal Environmental Plans (ETEPs) by September 30, 2016. Regions are required to work with tribal partners receiving Indian Environmental General Assistance Program (GAP) grants to establish ETEPs as outlined in the May 15, 2013 GAP guidance. The ETEPs will contain tribal environmental priorities, how the Region can assist tribal partners in achieving their priorities, and EPA's direct implementation role in Indian Country. *Randy Gee, 214-665-8355.*

TRIBAL CONSULTATION AND COORDINATION

EPA Policy on Consultation and Coordination with Indian Tribes: Opportunities for Consultation: The following tribal consultation opportunity is scheduled to be released in November:

- *Consultation for Corps of Engineers 2017 Nationwide Permits*

Tribal consultation opportunities can be viewed at www.epa.gov/tribal. *Randy Gee, 214-665-8355*

ENVIRONMENTAL JUSTICE UPDATE

EJ 2020 Action Agenda: On October 27, 2016, the U.S. Environmental Protection Agency (EPA) released the Environmental Justice 2020 Action Agenda (EJ 2020), the Agency's environmental justice strategic plan for 2016 to 2020. EJ 2020 will further integrate environmental justice considerations in all of the Agency's programs, strengthen EPA's

collaboration with partners, and demonstrate progress on significant national challenges facing minority and low-income communities.

EJ 2020 builds on the foundation established by EPA's previous strategic plan, Plan EJ 2014, as well as decades of significant environmental justice practice by the Agency, communities, and other environmental justice stakeholders.

"EPA is committed to ensuring every community in the United States has access to clean air, water and land," said EPA Administrator Gina McCarthy. "EJ 2020 is a product of listening to people in communities to better understand the challenges they face, and working closely with local leaders to identify solutions together."

The EJ 2020 Action Agenda has three overarching goals:

- Deepen environmental justice practice within EPA programs to improve the health and environment of overburdened communities.
- Work with partners to expand our positive impact within overburdened communities.
- Demonstrate progress on critical national environmental justice challenges.

Earlier this year, EPA released both the draft framework and final draft of the plan for public comment, and received thousands of comments from stakeholders and communities working on environmental justice. Additionally, Agency staff conducted over one hundred meetings across the country and held four national webinars to discuss the plan and answer stakeholder questions.

EPA plans to continue its unprecedented level of dialogue with environmental justice stakeholders and governmental partners as it moves forward to implement the plan in the coming years.

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work. EPA works with all stakeholders to collaboratively address environmental and public health issues and concerns.

EPA's environmental justice mandate extends to all of the Agency's work, including setting standards, permitting facilities, awarding grants, issuing licenses, regulations and reviewing proposed actions by the federal agencies.

To read EJ 2020, visit <https://www.epa.gov/environmentaljustice/ej-2020-action-agenda>

EJ Small Grants Program: The FY2017 EJ Small Grants solicitation has been published on the EPA EJ website and Grants.gov. See links below:

- 1) EJ Small Grants Program Page:
<https://www.epa.gov/environmentaljustice/environmental-justice-small-grants-program#tab-2>
- 2) EJ Small Grants RFP on Grants.gov:
<http://www.grants.gov/web/grants/view-opportunity.html?oppId=289829>

Applications are due on January 31, 2017

BORDER OFFICE UPDATE

Ysleta del Sur Pueblo Community Collection Center: The Ysleta Del Sur Pueblo (YDSP) Environmental and Natural Resources Department (ENRD) received a Border 2020 Program grant for \$66,670 to help establish a community collection center for the Tigua community. The project also provided educational materials to the tribal community on the proper handling and disposal of hazardous waste products and appropriate recycling practices.

The project included thirty-three cleanup and mitigation activities that included: tire amnesty, flood mitigation, recycling bin cleanups, e-waste collection and aluminum can collections that are not normally offered in the area. The ENRD had several amnesty tire events in which residents were able to turn in used tires without having to pay a disposal fee charge. During the length of the project, the ENRD was able to collect a total of 250 tires.

Additionally, 225 homes in the District II Tribal residency received recycling collection bins, with additional bins set out throughout the community, helping to increase participation of recycling. The project saw a successful e-waste collection of over 10,800 pounds and a collection of 5,420 pounds of recycled material.

Management Division

INFORMATION SHARING

GRANT UPDATES

Environmental Protection Agency Grants Management Plan 2016-2020: The U.S. Environmental Protection Agency awards approximately one-half of its budget annually in grants to its state, local, tribal, educational, and nonprofit partners. EPA's grants management program—the aggregate of activities that contribute to the award and management of the thousands of EPA grants and cooperative agreements under multiple individual programmatic statutory authorities—is a cooperative effort. This plan charts the course the Agency will follow in the coming years to deliver an effective system for grants administration - one in which federal funds are used responsibly to deliver meaningful environmental results. The Plan will support not only grants management objectives, but also the environmental and human health goals supported by the entire agency. [Environmental Protection Agency Grants Management Plan 2016-2020](#) *Donna Miller, 214-665-8093 and Dannell Brown, 214-665-7279*

BUDGET UPDATE

On September 29, 2016, President Obama signed Public Law 114-223 which provides the U.S. Environmental Protection Agency with funding through December 9, 2016. The 70 days of funding under the Continuing Resolution (CR) funds the agency accounts at 19.18% of the FY16 Enacted level, less a .496% reduction.

The CR states that the EPA will continue current programs or activities as authorized under the condition of the FY 2016 Appropriations Act. New programs, initiatives, or activities not authorized or funded in FY 2016 may not be started under the CR. Our hope is to have a full operating budget passed by December 9, 2016. *John Spelman, 214-665-7425.*

QUALITY ASSURANCE TRAINING

Region 6 will provide Quality Assurance Training in New Mexico in March or April 2017. Quality Assurance staff is coordinating with Eight Northern Pueblo Indian Council to identify possible dates and locations. *Don Johnson, 214-665-8343*

SPECIAL EMPHASIS PROGRAM PRESENTATION:

The American Indian Special Emphasis Program is one of nine Special Emphasis Programs (SEPs) the EPA has established to assist management in promoting diversity, inclusion, cultural awareness, economic, and equal employment opportunities. Each of these programs has a designated Special Emphasis Program Manager (SEPM) to plan and oversee the SEP activities.

The Regional SEPMs are under the supervision of the Regional Director of Civil Rights (Assistant Regional Administrator (ARA) for Management) James McDonald, through the Region's Acting EEO Manager and Diversity Program Manager.

The SEPs have a designated national observance month. The observance month for the American Indian Special Emphasis Program is November and the current SEPM is Ira Hight. On November 3, 2016, the American Indian Special Emphasis Program and Office of Environmental Justice, Tribal and International Affairs staff hosted a “Working with Tribal Governments in Region 6” presentations for Regional staff. ARA James McDonald provided opening remarks; Regional Administrator Ron Curry discussed his work with Tribes/Pueblos while working in New Mexico and at EPA Region 6; and Santa Clara Pueblo Governor Michael Chavarria gave a presentation on the Santa Clara Pueblo.

